THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.15358 OF 2007

Dated 13-08-2007

Between:

M/s Indian Commerce and Industries Co.Pvt Ltd

…Petitioner

and

The Commercial Tax Officer and two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.15358 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

The petitioner has challenged the garnishee notice issued on 13-07-2007. Appeals as well as stay applications are pending. When the matter was listed before us on 19-07-2007, we had directed the second respondent to dispose of the stay application, but we are told that the stay application is still pending.

After hearing learned counsel for the parties and with their consent, we dispose of the writ petition, at this stage, by setting aside the garnishee notice, dated 13-07-2007, on the condition that the petitioner shall deposit 50% of the disputed amount of tax and also 25% of the penalty and interest within a period of four weeks from today. The stay shall remain in force till the disposal of the appeals. If the amount is not paid within the period stipulated above, the Department shall be at liberty to take appropriate measures. The amounts, if any, already paid by the petitioner shall be given credit to. No order as to costs.

(Bilal Nazki,J)

Dated 13th August, 2007

(Nooty Ramamohana Rao,J)

Note: Issue wire at party's cost

vrn